

CHILD AND FAMILY SERVICES AGENCY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Interim Director of the Child and Family Services Agency ("CFSA"), acting pursuant to § 2(o) of the Child and Family Services Agency Establishment Amendment Act of 2000, effective April 4, 2001, D.C. Law 13-277, D.C. Official Code § 4-1303.03(a-1), (10), (12) (2001) and § 4 of the Youth Residential Facilities Licensure Act of 1986, effective August 13, 1986, D.C. Law 6-139, D.C. Official Code § 7-2103 (2001), hereby gives notice of her intent to amend Chapter 60 of Title 29 DCMR, "Foster Homes", by adding a new § 6000.5 on an emergency basis. The *LaShawn v. Fenty Amended Implementation Plan* requires CFSA to identify and reduce barriers to temporary licensing of kin by allowing the Director to waive the requirements of 29 DCMR 6000 et. seq. upon written application and for good cause shown.

The emergency action is based upon the immediate need to protect foster children by making possible their expedited placement with kin in foster homes. When a child must be removed from his or her home because of abuse or neglect, the child's immediate health, safety and welfare require the District to locate and place the child as quickly as possible in out-of-home placement that meets the child's specific, individual needs. For many children, kin (whether relatives or unrelated persons with longstanding ties to the child or family) who can bring the child into their home are the placement best suited to meet the child's urgent needs. Reducing barriers to temporary licensing kin without comprising a child's safety is necessary for the safety and welfare of foster children in the District of Columbia.

The Interim Director of CFSA also gives notice of intent to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The emergency rules were adopted and became effective on April 24, 2007. They will remain in effect for 120 days from the date of adoption, or until publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

29 DCMR Ch. 60 is amended as follows.

A new § 6000.5 is added as follows:

6000.5 The Director of Child and Family Services Agency, upon written application and for good cause, may waive any provision of 29 DCMR § 6027 for temporary licensing of kin that does not adversely affect child safety.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing within 30 days after the date of publication of this notice in the D.C. Register. Comments should be filed with Donald Terrell, General Counsel Child and Family Services Agency, 400 6th Street, S.W., Washington, DC 20024. Copies of these proposed rules may be obtained without charge at this address.